

March 20, 2019

**VIA ECFS**

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: **MAW Communications, Inc.'s Objections to PPL Electric Utilities Corporation's  
First Set of Interrogatories (Proceeding Number 19-29; Bureau ID Number EB-19-  
MD-001)**

Ms. Dortch:

Please find attached MAW Communications, Inc.'s Objections to Defendant PPL Electric Utilities Corporation's First Set of Interrogatories in Proceeding Number 19-29; Bureau ID Number EB-19-MD-001.

Sincerely,

Davis Wright Tremain LLP



Maria Browne

Attachment

cc: Lisa Saks, Enforcement Bureau  
Adam Suppes, Enforcement Bureau

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

MAW Communications, Inc.,

*Complainant,*

v.

PPL Electric Utilities Corporation,

*Defendant.*

Proceeding Number 19-29  
Bureau ID Number EB-19-MD-001

**COMPLAINANT’S OBJECTIONS TO  
DEFENDANT’S FIRST SET OF INTERROGATORIES**

Complainant MAW Communications, Inc. (“MAW”), pursuant to the Notice of Formal Complaint issued February 14, 2019 by the Commission’s Enforcement Bureau in this proceeding and pursuant to Section 1.730 of the Commission’s Rules, submits the following objections in response to PPL Electric Utilities Corporation’s (“PPL”) First Set of Interrogatories.

**GENERAL OBJECTIONS**

MAW objects generally to the Interrogatories as set forth below (the “General Objections”). MAW will also assert specific objections to each Interrogatory as appropriate. To the extent that MAW responds to Interrogatories to which it objects, such objections are not waived and are expressly reserved.

MAW objects to these Interrogatories to the extent that they seek discovery of any matter that is not relevant to the material facts in dispute in the pending proceeding. *See* 47 C.F.R. § 1.730.

Because PPL's Interrogatories specify that all of the information requested pertains to PPL's Answer to MAW's Complaint, MAW objects to PPL's Interrogatories to the extent they do not pertain to PPL's Answer.

Because PPL's Interrogatories specify that PPL is not seeking information that is available from any source other than MAW, MAW objects to the Interrogatories to the extent they seek information that is available from a source other than MAW,<sup>1</sup> including information that is publicly available or already in PPL's possession, and therefore would impose no greater burden for the PPL to obtain than for MAW to provide.

MAW objects to these Interrogatories to the extent that they seek information protected by the attorney-client privilege, attorney work-product, or any other applicable privilege. In particular, PPL defines "Complainant" and "MAW" to mean "any persons associated with it, including, but not limited to . . . attorneys . . . ." MAW objects to this definition to the extent that it seeks privileged information. The inadvertent disclosure of privileged information shall not constitute a waiver of any applicable privilege.

MAW notes for the record that Definitions 10 and 11 are duplicative of each other and that they refer to document requests, not interrogatories.

MAW will respond according to its best understanding of the terms used in the Interrogatories and subject to a reasonable inquiry into the relevant facts within the time allowed for responding to Interrogatories.

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<sup>1</sup> The introduction to PPL's Interrogatories confusingly states, "PPL is not seeking information that is available from any source other than **PPL**," but Interrogatory Instruction 4 states, "PPL is not seeking information that is available from any source other than **MAW**" (emphasis added). MAW assumes the latter, Instruction 4, is the correct formation.

## **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify the date on which MAW first became aware that the requisite funding was not available to upgrade the Lancaster camera network so that it could operate on MAW's newly installed ADSS fiber system.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this interrogatory on the grounds that it is vague and ambiguous because MAW does not understand what PPL means by the phrases "requisite funding" and "MAW's newly installed ADSS fiber system." MAW further objects to this Interrogatory as overly broad to the extent it seeks documents that do not relate to attachments to PPL poles.

**INTERROGATORY NO. 2:** At Paragraph 21 of the Complaint, MAW states: "The physical characteristics of the ADSS portion of MAW's network allows MAW's fiber to be placed closer to electric facilities than can conductive telecommunications cables." Please identify the MAW contractors used to place MAW's fiber on PPL's poles closer to electric facilities than conductive telecommunications could be placed. Please also explain how MAW believes these contractors are qualified to make such fiber attachments closer to electric facilities.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to counting this Interrogatory as one instead of as two interrogatories.

**INTERROGATORY NO. 3:** Other than Mr. Eron Lloyd's guilty plea in Federal Court to conspiracy to commit bribery, identify every guilty plea by MAW or any of its officers and employees to a felony, or conviction of MAW or any of its officers and employees of a felony.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this Interrogatory as it is not relevant to the material facts in dispute in the pending proceeding. MAW further objects that such information is publicly available and readily ascertainable.

**INTERROGATORY NO. 4:** Identify any and all instances in which a utility pole owner has accused MAW of making unauthorized attachments.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this Interrogatory as it is not relevant to the material facts in dispute in the pending proceeding. Moreover, because PPL is “a utility pole owner” that “has accused MAW of making unauthorized attachments,” MAW objects to this Interrogatory to the extent it seeks information that is already within PPL’s possession, custody, or control. MAW further objects to this Interrogatory as overly broad to the extent it seeks documents that do not relate to attachments to PPL poles.

**INTERROGATORY NO. 5:** Identify any and all claims filed in a court of law against MAW alleging breach of contract, other than PPL’s breach of contract case litigated in the Court of Common Pleas of Lehigh County, Pennsylvania.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this Interrogatory as it is not relevant to the material facts in dispute in the pending proceeding. MAW further objects that such information is publicly available and readily ascertainable.

**INTERROGATORY NO. 6:** Identify any and all claims filed in a court of law against MAW pertaining to MAW’s attachments to utility poles, other than PPL’s claims filed against MAW in the Court of Common Pleas of Lehigh County, Pennsylvania.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this Interrogatory as it is not relevant to the material facts in dispute in the pending proceeding. MAW further objects that such information is publicly available and readily ascertainable.

**INTERROGATORY NO. 7:** Explain the efforts undertaken by MAW between September 1, 2015 to February 1, 2016 to identify the person at PPL who replaced Mr. William Klokis.

**OBJECTION:** MAW relies on its general objections set forth above.

**INTERROGATORY NO. 8:** Identify (by pole number and pole position) any and all PPL poles MAW has accessed, worked on, or connected to between April 13, 2018 to the present.

**OBJECTION:** In addition to its general objections set forth above, MAW objects to this interrogatory on the grounds that it is vague and ambiguous because MAW does not understand what PPL means by the phrase “accessed, worked on, or connected to.” By way of further explanation, MAW has existing, permitted facilities in place on PPL poles that support active network transmissions and could thus be considered to have “accessed” or “connected to” these poles without physically touching the poles.

Respectfully submitted,

**MAW Communications, Inc.**



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Dated: March 20, 2019

## CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2019, I caused a copy of MAW Communications, Inc.'s Objections to Defendant's First Set of Interrogatories to be served on the following (service method indicated below):

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Room TW-A325  
Washington, DC 20554  
(via electronic filing)

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